

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA	:	
<i>Plaintiff,</i>	:	
	:	
	:	
v.	:	Crim. No. 7:12CR00057
	:	
	:	
DEMARCUS BROWN,	:	
<i>Defendant.</i>	:	

MOTION TO WITHDRAW MOTION FOR RELIEF FROM PRIOR RESTRAINT

Counsel for Demarcus Brown, Paul Beers and Assistant Federal Public Defender Christine Lee, hereby move this Honorable Court to permit the withdrawal of their Motion for Relief From Prior Restraint in light of the government’s decision voluntarily to disclose the written material to the Office of the Federal Public Defender for the central essential purpose outlined in the request.

Counsel for Mr. Brown filed the motion on October 24, 2017. Thereafter, the Court ordered the government to respond, which it did the following February 23, 2018. Shortly after that, the Roanoke Times initiated a review of the case so that its attorneys could decide whether to seek to intervene. To evaluate the case, the Times ordered and obtained transcripts of a hearing that it considered relevant to that determination.

On February 26, 2018, counsel for Mr. Brown filed a “Notice of Intent to Reply” to the government’s motion, suggesting therein a deadline for a reply to the government’s response, a reply which the Court had not ordered. Although the Court subsequently did not take action to adopt or set the proposed deadline, counsel became aware of two new

developments relevant to the need to pursue the motion further.

First, counsel learned that having reviewed the history of the case, counsel for the Roanoke Times made the determination that it would not seek to intervene as an interested party in Mr. Brown's case – although it may seek the material on its own by some other procedural mechanism. Second, the Office of the Federal Public Defender learned that the motion to be provided the material for the purpose of evaluating other defendants' possible rights has been mooted by the decision of the United States Attorney for the Western District of Virginia voluntarily to disclose the material to counsel for that purpose.

In light of the voluntary production of the requested material, as well as the Roanoke Times' indication after review that it does not intend to assert standing to intervene in this specific case, counsel respectfully moves to withdraw the motion filed.

Respectfully Submitted,

DEMARCUS MANDELL BROWN
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed and will be forwarded to the Office of the United States Attorney for the Western District of Virginia on April 30, 2018.

Christine Madeleine Lee

CHRISTINE MADELEINE LEE